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10/810,603	03/29/2004	David H. Shen		9709	
	7590 03/03/2008 DAVID H. SHEN			EXAMINER	
21037 Dorsey WAY			MAI, TAN V		
Saratoga, CA 95070			ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) 10/810,603 SHEN, DAVID H.	: ·							
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CPR 1.13(s). In no event, however, may a rapy be timely fine to the correspondence address — Period for reply is period above, the manimum authory, and will warp to (s) MONTHS from the mailing date of this communication to the provision of 37 CPR 1.13(s). In no event, however, may a rapy be timely fine Extensions of time may be available under the provisions of 37 CPR 1.13(s). In no event, however, may a rapy be timely fine the communication of 18 CPR 1.13(s). In no event, however, may a rapy be timely fine the communication of 18 CPR 1.13(s). In no event, however, may a rapy be timely fine communication. Failure to reply within the stor or extended period for reply with by the date, under the main period to reply with provided by the difficial and the maining date of this communication. Failure to reply within the stor or extended period for reply with provided by the difficial and the maining date of this communication. Failure to reply within the stor or replication is the maining date of this communication. Failure to reply within the store that the maining date of this communication to the period of the communication. Failure the maining date of the communication. Failure th	Office Action Summary		Application	No.	Applicant(s)			
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The drawings are objected to because Fig. 1 should be labeled "PRIOR ART". 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a FIR filter (Fig. 2) or a IIR filter (Fig. 3), does not reasonably provide enablement for a method for selectively either "forward signal"

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propagation", i.e. FIR filter or "feedback signal propagation", i.e. IIR filter. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to made and use the invention commensurate in scope with these claims.

The applicant has failed to disclose the physical structure of his method for implementing a filter which can select either FIR filter or IIR filter with any meaningful degree of specificity.

The examiner contends that not only would it require undue experimentation to design the above method which would perform the function(s) disclosed and claimed, but that it would also require undue experimentation for one of ordinary skill in the art to design working method that would permit the user selects either FIR filter or IIR filter as claimed.

It is noted that FIR filter or IIR filter [in the specification] are distinct inventions. An application should claim a single invention, i.e., either FIR filter or IIR filter.

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per independent claim 1, the claim should be a <u>SINGLE</u> sentence. See example format in cited references. The claim recites TWO distinct inventions, "forward signal propagation" and "feedback signal propagation", i.e., there is NO interconnection between them.

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As per claim 3, the phrase "or any other known transmission line types" (last line) is vague and indefinite. For example, some "other known transmission line types" can NOT use at the time the application filed but can use in the future or "other known transmission line types" exits after the application filed.

As per claims 3-4, the terms "can be" are indefinite.

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims recite a method for performing a mathematical function.

"[t]o satisfy section 101 requirements, the claim must be for a practical application of the Sec. 101 judicial exception, which can be identified in various ways:

- . The claimed invention "transforms" an article or physical object to a different state or thing.
- . The claimed invention otherwise produces a useful, concrete and tangible result,...".

See "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" OG Date: 22 November 2005.

In order for claims to be statutory, claims must include a practical application with a concrete, useful, and tangible result. However, claims 1-15 merely disclose steps of performing mathematical function without disclosing a practical application with a concrete, useful, and tangible result, as they are pre-emptive in any application.

Therefore, claims 1-15 are directed to non-statutory subject matter.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable overKasper et al.

Kasper et al discloses, e.g., see Figs. 1-3 and 9-10, the invention substantially as claimed, including: a "forward signal propagation" having the claim "transmission line". It is noted that Kasper et al do not specifically detail the claimed "forward signal propagation". It would have been obvious to a person having ordinary skill in the art at the time the invention was made to design the claimed invention according to Kasper et al's "forward signal propagation" teachings because "feedback signal propagation" is merely a modification of "forward signal propagation".

- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cited references are art of interest.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan V. Mai whose telephone number is (571) 272-3726. The examiner can normally be reached on Mon-Wed from 9:30am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Lewis Bullock, can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is:

Official

(571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

/Tan V Mai/ Primary Examiner, Art Unit 2193